

HELMER, MARTINS & MORGAN
Co., L.P.A.

ATTORNEYS AT LAW

Fourth & Walnut Centre, Suite 1900
105 East 4th Street
Cincinnati, Ohio 45202-4008

James B. Helmer, Jr.*
Paul B. Martins
Frederick M. Morgan, Jr.
Julie Webster Popham**
Jennifer M. Verkamp
Robert M. Rice
Donald G. Stiens, Jr.

*Also D.C. Bar

**Also KY Bar

Telephone: (513) 421-2400
Telecopier: (513) 421-7902

Of Counsel:
Robert Clark Neff, Jr.

January 16, 2004

Sent Via Regular Mail

Neil F. Freund, Esq.
FREUD, FREEZE & ARNOLD, LPA
One Dayton Centre
One South Main Street
Suite 1800
Dayton, Ohio 45402-2017

Geri H. Geiler, Esq.
Julie F. Bissinger, Esq.
Assistant City Solicitors
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202

Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.*,
Case No. 01-CV-769 (S.D. Ohio)

Dear Counsel,

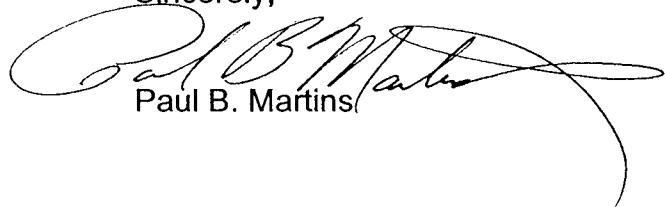
Magistrate Judge Novotny's Order concerning Plaintiff's Motion to Compel Responses to Second Request for Production directs Plaintiff to "confer with Defendants in an effort to amicably conclude this matter." Doc. 81, Order, ¶ 2. Therefore, Plaintiff makes the following demand for attorneys fees associated with the motion to compel (Doc. 66), reviewing the City's response (Doc. 75) and filing a Reply memorandum (Doc. 78).

<u>Attorney</u>	<u>Hourly Rate</u>	<u>Hours</u>	<u>Total</u>
James B. Helmer, Jr.	\$420	0.50	\$ 210
Paul B. Martins	\$375	9.90	\$3,712
Donald G. Stiens	\$125	7.00	\$ 875
<u>Total:</u>			<u>\$4,797</u>

Neil F. Freund, Esq.
Geri H. Geiler, Esq.
January 16, 2003
Page 2

We have attempted to remove duplicate time and conference charges from this calculation. The rates for Jim and I were previously approved by Judge Spiegel. Therefore, we request that the City of Cincinnati forward payment in the amount of \$4,797 to cover our attorney's fees incurred in having to prosecute this motion to compel a response to our Second Request for Production of Documents.

Sincerely,



Paul B. Martins

PBM/kj

cc: Mark T. Tillar, Esq. (via facsimile)
John J. Helbling, Esq. (via facsimile)
Donald E. Hardin, Esq. (via facsimile)
Wilson G. Weisenfelder, Jr., Esq. (via facsimile)
Dale A. Stalf, Esq. (via facsimile)
Ravert J. Clark, Esq. (via facsimile)